

App. Serial No. 10/510,588
Docket No.: NL021100US

RECEIVED
CENTRAL FAX CENTER
APR 25 2007

Remarks

Claims 4, 6-9 and 13-17 are currently pending. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited reference.

The Office Action dated March 15, 2007 indicated the following: claim 4 stands rejected under 35 U.S.C. § 112, paragraphs one and two; claims 4, 6-8, 13-14 and 16-17 stand rejected under 35 U.S.C. § 102(e) over Coffman (U.S. 6,451,627); and claims 9 and 15 stand rejected under 35 U.S.C. § 103(a) over Coffman, as applied to claim 4 above.

Regarding the Section 112(2) rejection of claim 4, Applicant has amended the claim consistent with the Examiner's suggestion. Applicant respectfully requests that the amendment be entered and the rejection be withdrawn.

Applicant respectfully traverses the Section 112(1) rejection of claim 4 because the claimed limitations directed to the interconnect track being in the first patterned metal layer are supported by Applicant's Specification and Figures. For Example, Applicant's Specification states that "interconnect tracks from a first to a second element can be defined in the first metal layer" and that "(t)hese interconnect tracks are absent from the pattern in the second metal layer." *See, e.g.*, Paragraph 0018. In another example, Figure 2 shows the cross section of the electronic device 10 of Figure 1 with connection conductors 31-35 formed in the first metal layer 11. *See, e.g.*, Paragraph 0043. Thus, Applicant's Specification and Figures both provide support for the interconnect track being in the first patterned metal layer. Accordingly, the Section 112(1) rejection of claim 4 is improper and Applicant requests that it be withdrawn.

Applicant submits that the finality of the rejections in the instant Office Action are improper because the Examiner has not addressed each of the claimed limitations and has thus failed to establish a *prima facie* case for any of the prior art rejections. The interpretation of the claims used by the Examiner in attempting to assert correspondence between the claimed invention and the prior art directly contradicts the claimed limitations. For example, based on the Examiner's unfounded assertion that Applicant's Specification and Figures provide no support for the claimed limitations directed to the interconnect track being in the first patterned metal layer, the Examiner has improperly interpreted Applicant's claims to require that the interconnect track be in the second patterned metal layer. As such,

App. Serial No. 10/510,588
Docket No.: NL0211001/US

the finality of the prior art rejections are improper because the Examiner has failed to assert correspondence to all of the claimed limitations. Therefore, Applicant respectfully requests that they finality of the rejections be withdrawn.

Applicant traverses the Section 102(e) rejection of claims 4, 6-8, 13-14 and 16-17 because the cited portions of the Coffman reference fail to correspond to all of the claimed limitations. Regarding claim 4, the cited portions of Coffman do not correspond to claimed limitations directed to the first and second electric elements being interconnected by an interconnect track that is defined in the first metal layer, with a corresponding interconnect track being absent in the second metal layer. The Examiner cites to top layer 124 and to lower layer 126 of Coffman as corresponding to the claimed first and second metal layers respectively. The Coffman reference teaches that a semiconductor device 144 is attached to each die attach area 138 and that electrical interconnects 146 are formed to connect the device to the associated mold lock areas 140. *See, e.g.*, Figure 15 and Col. 6:14-19. However, the cited portions of the Coffman reference do not teach that there is any interconnect layer in top layer 124 or that the semiconductor devices 144 are interconnected by the top layer 124. Thus, Coffman's top layer 124 does not correspond to the claimed first metal layer. Moreover, the Examiner has not asserted that an interconnect layer is defined in Coffman's top layer 124. Accordingly, the Section 102(e) rejection of claim 4, as well as the rejection of claims 6-8, 13-14 and 16-17 that depend from claim 4, is improper and Applicant requests that it be withdrawn.

Applicant traverses the Section 103(a) rejection of claims 9 and 15 based upon the Coffman reference because the cited portions of Coffman fail to correspond to the claimed limitations as discussed above. Applicant submits that the Section 103(a) rejection of claims 9 and 15 should be removed because claim 4, from which these claims depend, should be allowable as indicated above. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). *See, e.g.*, M.P.E.P. § 2143.03. Moreover, Applicant traverses the Examiner's assertion that it would have been obvious to one of skill in the art to use Al, an alloy of Al, FeNi, FeCrNi or stainless steel as the intermediate layer of Coffman, because the Examiner fails to cite to any reference that teaches these claimed limitations. The Examiner appears to be taking "official notice" that these limitations are well

App. Serial No. 10/510,588
Docket No.: NL021100US

known, however, according to M.P.E.P. § 2144.03 "(o)fficial notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances" and "(w)hile "official notice" may be relied on, these circumstances should be rare when an application is under final rejection." Applicant submits that the Examiner has improperly relied upon "official notice" due to the finality of the rejections. Moreover, consistent with MPEP § 2144.03, Applicant respectfully requests evidence in support of the proposition that such teaching is well known in the prior art and that there is adequate evidence of motivation to combine this prior art with the main reference. Accordingly, Applicant requests that the Section 103(a) rejection of claims 9 and 15 based upon the Coffinan reference be withdrawn.

Applicant notes that minor amendments have been made to claim 4 for clarification purposes. These amendments are not being made to overcome any issues relating to patentability or to overcome the rejections raised by the Examiner, which fail for the reasons discussed above. Applicant submits that these amendments should be entered do to the impropriety of the final rejection as discussed above.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 

Name: Robert J. Crawford
Reg. No.: 32,122
(NXPS.233PA)